

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 350

CASE NO. 79-3

SEPTEMBER 10, 1981

Pursuant to notice, a public hearing was held by the District of Columbia Zoning Commission on June 1, 1981, to consider amendments to the Zoning Regulations of the District of Columbia. The proposed amendments would modify the definition of court and width of court, and add a new definition for a court niche. Also proposed are text amendments to Sections 4305 and 5303 regarding the provision of courts in the Special Purpose and Commercial Districts. The intent of the proposed amendments is to allow for greater flexibility in the provision of exterior spaces and to encourage the use of courts in buildings.

In Zoning Commission Cases No. 78-1 and 78-2, by Orders No. 234, 235 and 242, the Zoning Commission adopted a number of text amendments related to the Commercial and Special Purpose Districts based on a comprehensive review of these zones. The overall objective of the two cases was to implement a number of city policies concerning downtown improvement, housing production, economic development, environmental enhancement and transportation objectives. Although not a major focus of the deliberations in cases 78-1 and 78-2, court requirements for the Special Purpose and Commercial Districts were discussed and amended by Z.C. Orders 234 and 235, to provide for one standard for width of courts regardless of the district or type of building.

Subsequent to the adoption of those orders the Commission received letters from several local architects represented by the D.C. Chapter of the AIA, and from the Pennsylvania Avenue Development Corporation stating that the newly adopted text amendments as related to the court requirements created hardships and were too restrictive in relation to projects in various stages of design and implementation. As a result, the Commission adopted Emergency Order No. 253 which temporarily amended the court requirements in Commercial and Special Purpose Districts for a period of 120 days.

The text amendment considered by the Zoning Commission at the public hearing was initiated and filed by Byron Black on behalf of the Zoning Task Force of the D.C. Chapter of the American Institute of Architects. The amendment as proposed by the AIA would have reinstated a distinction between residential and non-residential buildings, and would have provided different standards for the two types of buildings. The text amendments which were the subject of the hearing were developed by the Office of Planning and Development in consultation with the AIA.

The Commission believes that the present Regulations regarding courts are in need of revision because they are too restrictive, and unclear with regard to certain issues. The definition of both court and width of court contain a built in predisposition for rectangular courts. As now written, both definitions penalize triangular, curved or multi-sided courts. The present Regulations do not allow significant variation in building facades, because the spaces created by such variations technically must be considered courts. The present Regulations require courts, if provided, to be very large, regardless of the function of such courts. The present width requirements make it extremely difficult to provide open space, in the form of courts, for buildings which are not on large lots. All of these negative aspects of the present Regulations make the use of courts less likely, thereby restricting architectural flexibility and design, and potentially reducing the opportunity for the penetration of light and air to open sides of new buildings.

The Commission believes that the Regulations should be amended to correct the deficiencies cited above. To that end, the amendments contained herein will amend the definitions of court and width of court to provide for measuring non-rectangular courts. The Regulations will also contain a definition of a court niche, to provide flexibility of architectural treatment. The Regulations will further distinguish between residential and non-residential buildings in Special Purpose and Commercial Districts, to reflect the different functions served by courts for those kinds of buildings.

The Office of Planning and Development, by report received on May 22, 1981 recommended that the Commission adopt modifications to the existing Regulations concerning courts. The OPD noted that the existing standards are excessive and in need of revision, and that a revised, workable set of court standards is an appropriate way to encourage the provision of useable, open exterior spaces adjacent to buildings.

There were no written statements on the proposed amendments received from any Advisory Neighborhood Commission.

The Zoning Commission proposed to approve certain amendments to the Zoning Regulations on July 9, 1981. The proposed text amendments were referred to the National Capital Planning Commission under the terms of the District of Columbia Self-Government and Governmental Reorganization Act. The NCPC reported that the proposed amendments will not adversely affect Federal interests in the National Capital nor be inconsistent with the Comprehensive Plan for the National Capital.

The Commission finds that the proposed amendments are in the best interests of the District of Columbia and are consistent with the intent and purpose of the Zoning Regulations and Zoning Act. The Commission therefore hereby orders adoption of the following amendments to the Zoning Regulations:

1. In section 1202, amend the definition of "court" to read as follows:

"Court: An open unoccupied space, not a court niche, open to the sky, on the same lot with a building, which is bounded on two or more sides by the exterior walls of such building or by two or more exterior walls, lot lines or yards. A court may also be bounded by a single curved wall of a building."

2. In Section 1202, amend the definition of "width of court" to read as follows:

"Court, width of: The minimum horizontal dimension substantially parallel with the open end of an open court or the lesser horizontal dimension of a closed court, or in the case of a non-rectangular court, the diameter of the largest circle which may be inscribed in a horizontal plane within such court."

3. In Section 1202, add a new definition of "niche", as follows:

"Court niche: An indentation, recess or decorative architectural treatment of the exterior wall of a building, not a court, which opens onto a street, yard, alley or court."

4. In Section 1202, add a new definition of "depth of court niche" as follows:

"Court niche, depth of: The greatest distance between the sides of the court niche, measured perpendicular to the line delineating the width of court niche."

5. In Section 1202, add a new definition of "width of court niche", as follows:

"Court niche, width of: The distance between the two points created by the intersection of the sides of the court niche and the sides of the court, yard, street or alley it abuts."

6. Provide for court niches in Residential Districts by adding new Sub-sections 3306.2 and 3306.3, as follows:

"3306.2 No required opening for the admission of light and natural ventilation shall open onto a court niche where the ratio between the width of court niche and the depth of court niche is less than two to one.

"3306.3 No portion of a court niche shall be farther than three feet from a point where the court niche is less than three feet in width.

Renumber existing Sub-section 3306.2 to 3306.4.

7. Amend the court requirements in the SP District so that Section 4305 reads as follows:

"SECTION 4305 -- COURTS

4305.1 Where a court is provided for a building, or portion thereof, devoted to non-residential uses, at any elevation in such court the width of court shall be a minimum of three inches per foot of height measured from the lowest level of the court to that elevation, provided that in no case shall the width of court be less than 12 feet. In the case of a closed court, the minimum area shall be at least twice the square of the width of court based upon the height of court, but not less than 250 square feet.

4305.2 Where a court is provided for a building, or portion thereof, devoted to residential uses, at any elevation in such court, the width of court shall be a minimum of four inches per foot of height measured from the lowest level of the court to that elevation, provided that in no case shall the width of court be less than 15 feet. In the case of a closed court, the minimum area shall be at least twice the square of the width of court based upon the height of court, but not less than 350 square feet.

4305.3 In the case of a building devoted to both residential and non-residential uses, the minimum width and area of a court shall be computed as follows:

4305.31 When the residential and non-residential uses are located on different floors of the building, the width and area requirements shall be computed for each use at the plane of each floor of the building.

4305.32 When the residential and non-residential uses are located on the same floor of the building, the width and area requirements for that plane shall be computed based on the requirements for a residential building set forth in Sub-section 4305.2.

4305.4 For the purposes of this section, "residential uses" shall include dwellings, flats, multiple dwellings, hospitals and community based residential facilities.

4305.5 No required opening for the admission of light and natural ventilation shall open onto a court niche where the ratio between the width of court niche and the depth of court niche is less than two to one.

4305.6 No portion of a court niche shall be farther than three feet from a point where the court niche is less than three feet in width.

4305.7 In the case of an alteration affecting the amount of light and ventilation required by other municipal law or regulation in an existing structure in the Special Purpose District, no legally required window shall be permitted to open onto a court which does not comply with the dimensions given in Sub-sections 4305.1 and 4305.2."

8. In W Districts, provide for the computation of area and width of courts and for court niches by renumbering existing Paragraph 4406.42 to 4406.43 and adding new Paragraphs 4406.42, 4406.44 and 4406.45, as follows:

"4406.42 In the case of a building devoted to both residential and non-residential uses, the minimum width and area of a court shall be computed as follows:

4406.421 When the residential and non-residential uses are located on different floors of the building, the width and area requirements shall be computed for each use at the plane of each floor of the building.

4406.422 When the residential and non-residential uses are located on the same floor of the building, the width and area requirements for that plane shall be computed based on the requirements for a residential building set forth in Paragraph 4406.41.

4406.44 No required opening for the admission of light and natural ventilation shall open onto a court niche where the ratio between the width of court niche and the depth of court niche is less than two to one.

4406.45 No portion of a court niche shall be further than three feet from a point where the court niche is less than three feet in width.

9. Rearrange and consolidate existing Sub-sections 4506.6 and 4506.7, regarding courts in CR Districts, to read as follows:

"4506.6 Courts

4506.61 Where an open court is provided in a CR District, such court shall have the following minimum dimensions:

Residential <u>building</u> :	3" per foot of <u>height of court</u> , but not less than 10 feet.
<u>Hotel</u> and other permitted <u>building</u> :	2½" per foot of <u>height of court</u> , but not less than 6 feet.

4506.62 Where a closed court is provided in a CR District, such court shall have the following minimum dimensions:

Residential <u>building</u>	Width: 4 inches per foot of <u>height of court</u> , but not less than 15 feet.
	Area: Twice the square of the required <u>width of court</u>
<u>Hotel</u> and other permitted <u>building</u> :	Width: 2½ inches per foot of <u>height of court</u> , but not less than 12 feet.
	Area: Twice the square of the required <u>width of court</u> dimension.

4506.63 For the purposes of this Sub-section, "residential building" shall include those used as, or intended to be used as, dwellings, flats, multiple dwellings,

hospitals and community based residential facilities."

Renumber existing Sub-section 4506.8 to 4506.7

10. In CR Districts, provide for the computation of area and width of court and for court niches by adding new Paragraphs 4506.64, 4506.65 and 4506.66, as follows:

"4506.64 In the case of a building devoted to both residential and non-residential uses, the minimum width and area of a court shall be computed as follows:

4506.641 When the residential and non-residential uses are located on different floors of the building, the width and area requirements shall be computed for each use at the plane of each floor of the building.

4506.642 When the residential and non-residential uses are located on the same floor of the building, the width and area requirements for that plane shall be computed based on the requirements for a residential building set forth in Paragraphs 4506.61 and 4506.62.

4506.65 No required opening for the admission of light and natural ventilation shall open onto a court niche where the ratio between the width of court niche and the depth of court niche is less than two to one.

4506.66 No portion of a court niche shall be farther than three feet from a point where the court niche is less than three feet in width.

11. Amend the court requirements for C Districts, so that Section 5305 reads as follows:

"SECTION 5305 -- COURTS

5305.1 Where a court is provided for a building, or portion thereof, devoted to non-residential uses, at any elevation in such court, the width of court shall be a minimum of three inches per foot of height, measured from the lowest level of the court to that elevation, provided that in no case shall the width of court be less than 12 feet. In the case of a closed court, the minimum area shall be at least twice the square of the width of court based upon the height of court, but not less than 250 square feet.

5305.2 Where a court is provided for a building, or portion thereof, devoted to residential uses, at any elevation in such court, the width of court shall be a minimum of four inches per foot of height, measured from

the lowest level of the court to that elevation, provided that in no case shall the width of court be less than 15 feet. In the case of a closed court, the minimum area shall be at least twice the square of the width of court based upon the height of court, but not less than 350 square feet.

5305.3 In the case of a building devoted to both residential and non-residential uses, the minimum width and area of a court shall be computed as follows:

5305.31 When the residential and non-residential uses are located on different floors of the building, the width and area requirements shall be computed for each use at the plane of each floor of the building.

5305.32 When the residential and non-residential uses are located on the same floor of the building, the width and area requirements for that plane shall be computed based on the requirements for a residential building set forth in Sub-section 5305.2.

5305.4 For the purposes of this section, "residential uses" shall include dwellings, flats, multiple dwellings, hospitals and community based residential facilities.

5305.5 No required opening for the admission of light and natural ventilation shall open onto a court niche where the ratio between the width of court niche and the depth of court niche is less than two to one.

5305.6 No portion of a court niche shall be farther than three feet from a point where the court niche is less three feet in width.

5305.7 In the case of an alteration affecting the amount of light and ventilation required by other municipal law or regulation in an existing structure in a commercial district, no legally required window shall be permitted to open onto a court which does not comply with the dimensions given in Sub-sections 5305.1 and 5305.2."

Vote of the Commission taken at the meeting of July 9, 1981: 3-0 (Commissioners Lindsley Williams, Ruby B. McZier, and Walter B. Lewis, to approve as amended - Commissioner John G. Parsons, not voting not having participated in the case and Commissioner George M. White, not present not voting).



WALTER B. LEWIS
Chairman
Zoning Commission



STEVEN E. SHER
Executive Director
Zoning Secretariat

This order was adopted by the Zoning Commission at its public meeting held on September 10, 1981 by a vote of 3-0 (Lindsley Williams, Ruby B. McZier and Walter B. Lewis to adopt - John G. Parsons not voting not having participated in the case, and George M. White, not present not voting).

In accordance with Section 4.5 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, these amendments to the Zoning Regulations are effective on

25 SEP 1981.